

RMS 394 West Avenue, LLC
DRAFT AFFORDABILITY PLAN
May 2023

RMS 394 West Avenue, LLC ("RMS") submits this Workforce Housing Affordability Plan in conjunction with its application to the City of Norwalk Planning & Zoning Commission for approval for the redevelopment of 370 and 394 West Avenue and 2 Maple Street in Norwalk, Connecticut ("Property"), in accordance with the Building Zone Regulations of the City of Norwalk ("Zoning Regulations").

This plan describes how affordability will be determined, administered and maintained pursuant to the Sec. 118-1050 of the City of Norwalk Building Zone Regulations.

Definitions.

"Commission." The Norwalk Planning & Zoning Commission, and its successors and assigns.

"Statewide Median Income ("SMI")." The annual income for the State of Connecticut determined using the statistics published and periodically revised by the U.S. Department of Housing and Urban Development ("HUD").

"Workforce Household." A household with an annual income which does not exceed eighty percent (80%) of the State of Connecticut median income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). Household eligibility determinations shall be made in accordance with the income criteria in §8-30g-8 of the regulations of Connecticut State Agencies.

"Workforce Housing Unit." A dwelling unit occupied by a workforce household where the maximum sales price or rent shall be restricted in perpetuity for the life of the unit in accordance with the maximum housing payment calculations as described in §8-30g-8 of the regulations of Connecticut State Agencies.

Project Description.

RMS proposes the construction, use and occupancy of new mixed-use structure on the Property, containing first-floor commercial space and 204 apartment units on upper floors. RMS proposes to designate a total of 20 units as a Workforce Housing Units in perpetuity, which meet the criteria under the Zoning Regulations for households whose annual income does not exceed eighty (80%) percent of the SMI in accordance with §118-1050 "Workforce Housing Regulation" of the City of Norwalk Building Zone Regulations, along with a fee paid pursuant to Sec. 118-1050D.(2)(c) of the Building Zone Regulations of the City of Norwalk. There will be four (4) studio, ten (10) one-bedroom workforce units and six (6) two-bedroom workforce units.

RMS has designated the specific units that will be Workforce Housing Units on Appendix A. Designation of a particular unit may change over time, and updated schedules will be provided to the Commission, should that occur. The units so designated shall be subject to the terms set out in this Plan and in Section 118-1050 of the Norwalk Zoning Regulations.

Unit Standards.

The Workforce Housing Units shall be comparable in size, fit and finish to market-rate units and will be consistent with construction standards for new housing. The bedroom mix will be provided in comparable percentages to those in the market rate units.

Duration of Restrictions.

The Workforce Housing Units shall be so designated in perpetuity, beginning upon with the issuance of a certificate of occupancy for the rental units for the Property and continuing for the life of each unit in accordance with the maximum housing payment calculations set out in Section 8-30g-8 of the regulations of the Connecticut State Agencies. A deed restriction in substantially the form set forth in Appendix D attached or in such other form acceptable to the Commission, shall be recorded on the Norwalk Land Records, contemporaneously with the issuance of the certificate of occupancy or at the same time of the units' designation as set forth above, whichever is earlier, to ensure affordability. The deed restriction will outline the rental restrictions, including the maximum rental price per units, the affirmative marketing procedures, residency requirements, reporting requirements, as well as remedies for breach.

Pro Rata Construction.

The Workforce Housing Units shall be completed on a *pro rata basis* as construction proceeds. It is the intent of this Plan that at least one (1) Workforce Housing Unit will be completed and offered for rental within the time that ten (10) market rate units are completed and offered for rental.

Affirmative Fair Marketing.

RMS will market the Workforce Housing Units itself, or through the Housing Development Mutual Housing or another similar agency ("HDF or other"), which will maintain a list of income/credit-qualified persons in accordance with Sec. C. (3)-(9) of Sec. 118-1050 of the Norwalk Zoning Regulations. RMS or HDF or other agencies will be retained to undertake all of the activities related to verifying the income/credit eligibility of applicants, in accordance with Section C (3)-(9) of Section 118-1050 of the Norwalk Zoning Regulations. RMS or HDF or other agencies will perform income/credit verifications and coordinate the applicant pool. An Affirmative Marketing Plan is attached to this document outlining selection systems and marketing strategy.

Affordability Calculation.

The rental price of the Workforce Housing Units will be calculated based upon 60%/80% of the SMI in accordance with the State of Connecticut's Affordable Housing Appeals Procedures as defined in Section 8-30g of the Connecticut General Statutes. The maximum rental amounts will be adjusted annually in accordance with changes in the SMI and in accordance with the Connecticut Department of Economic and Community Development's Affordable Housing Appeals Procedure.

Administration and Compliance.

This Plan will be administered by 110-114 East others selected by BPC, or its successors and assigns ("Administrator"), who will be responsible for:

- Ensuring that households applying for Workforce Housing Units qualify within applicable maximum income limits;
- Assuring the accuracy of rental prices, and providing documentation where necessary to buyers, sellers and financing institutions;
- Reporting compliance to the municipality; and
- Executing the affirmative fair housing marketing plan.

The Administrator shall submit a written status report to the Commission regarding compliance with this Plan and the above-referenced factors annually on or before January 31. The role of the Administrator may be transferred or assigned to another entity. In the event of any such transfer or assignment, 110-114 East will provide forty-five (45) days prior written notice to the Commission. The Commission shall be given a reasonable opportunity to object but will not do so unreasonably.

Affirmative Fair Housing Marketing Plan and Notice of Initial Sale of Workforce Housing Units.

The availability of Workforce Housing Units shall be publicized, using the provisions of Regulations of Connecticut State Agencies §8-37-ee-1 et seq. (particularly Sections 8-37-ee-301 and 302) for affirmative fair housing marketing programs as guidelines. The Administrator shall have the responsibility for compliance with this section. Notices of initial availability of the Workforce Housing Units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in the City of Norwalk. The Administrator shall also provide such notices to the Commission, the Norwalk Town Clerk, City of Norwalk, and the Norwalk Board of Education. Such notices shall include a description of the available Workforce Housing Units, the eligibility criteria for potential tenants and owners, the Maximum Rental Price (as hereinafter defined), and the availability of application forms and additional information.

Using the above-referenced State regulations as guidelines, dissemination of information about available Workforce Housing Units shall include, at a minimum:

- Analyzing census and other data to identify racial and ethnic groups least represented in the population;
- Announcements/advertisements in publications and other media that will reach minority populations;
- Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, and legal services organization);
- Assistance to minority applicants in processing applications;
- Marketing efforts in geographic areas of high minority concentrations within the housing market area;
- Beginning marketing efforts prior to general marketing of units, and repeating during initial marketing, at 50% completion, and thereafter at reasonable intervals; and
- Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

All notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§3601 et seq. and Connecticut General Statutes §§46a-64b and 64c.

Tenant Eligibility.

Eligibility of families or households to rent Workforce Housing Units shall be determined by the Administrator in accordance with this Plan and the Regulations, as amended.

Application Process.

A family or household seeking to rent a Workforce Housing Unit ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Act.

A. Application Form.

The application form shall be provided by the Administrator and shall include an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change

in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. In determining what is and is not to be included in the definition of family annual income, the Administrator shall use the criteria set forth by HUD and listed in Appendix B, attached hereto. ¹

B. Applicant Interview.

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.

C. Verification of Applicant's Income.

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall require verification of the Applicant's reported income. In accordance with § 118-1050.C(4), the annual income of workforce households shall be reviewed and certified by the Commission or its designee, in accordance with the procedure established in advance and approved by the Commission.

If applicable, the Applicant shall provide to the Administrator the documentation listed in Appendix C attached hereto. This list is not exclusive, and the Administrator may require any other verification or documentation as the Administrator deems necessary.

¹ See 24 C.F.R. § 5.609. Federal regulations are subject to change, and it is the intent of this Plan to use as guidelines HUD regulations with respect to income certification, as such regulations may be amended from time to time.

Prioritization of Applicants for Initial Rental.

If, after publication of the Notice of Initial Rental, the number of qualified Applicants exceeds the number of Workforce Housing Units, the Administrator shall establish categories of applicants, subject to the applicant's income pre-certification eligibility and the preferences as established below.

A separate priority list shall be maintained for the Workforce Housing Units. Each priority list shall be divided based upon the following priority categories: (1) Existing tenants displaced by the proposed new development or the immediate past tenants that previously occupied any of the properties where existing housing units are to be removed; (2) Employees of the City of Norwalk and the Norwalk Board of Education; (3) Residents of the City of Norwalk who have resided in the City of Norwalk a minimum of one (1) year prior to the issuance of a certificate of occupancy; (4) Persons employed in the City of Norwalk; and (5) all others. If there are insufficient units available to satisfy the number of applicants in a particular priority category, the units shall be assigned by a lottery system approved in advance by the Commission. As specified in § 118-1050.C(6), all qualified applicants in a given category of priority shall be exhausted prior to proceeding to a lower category of priority.

These preference categories are set forth in the Zoning Regulations but are subject to revision as may be required by the federal Office of Fair Housing and Equal Opportunity. These preference categories shall apply to the initial rental, but not to subsequent rental, of the Workforce Housing Units.

Maximum Monthly Rental Payment.

Calculation of the Maximum Monthly Rental Payment shall be based upon the SMI. The Maximum Monthly Rental Payment shall be calculated using the following methodology, consistent with Zoning Regulations §118-1050 (C)(2) and Connecticut Agencies Regulations §8-30g-8.

Calculation steps for rental of units at maximum of 80 percent of SMI, or 60% of SMI, if applicable.

1. Determine the SMI.
2. Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of a Workforce Housing Unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made with reference to the following percentages:

- 1 Person in family: 70%
- 2 Persons in family: 80%
- 3 Persons in family: 90%
- 4 Persons in family: 100% (BASE)

- 5 Persons in family: 108%
- 6 Persons in family: 116%
- 7 Persons in family: 124%
- 8 Persons in family: 132%

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5-person household is 104 percent.

3. Calculate eighty percent (80%) [or 60% if applicable] of Step 2.
4. Calculate thirty percent (30%) of Step 3, representing that portion of household income deemed to be used for housing costs.
5. Divide Step 4 by twelve (12) months to determine the maximum monthly housing payment.
6. Determine the fair market rent for a unit with the same number of bedrooms in the subject municipality as published by the U.S. Department of Housing and Urban Development.
7. The maximum monthly housing payment for occupants of the subject rental unit shall be the lesser of the calculations on Steps 5 and 6.
8. Determine by reasonable estimate monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common interest ownership community.
9. Deduct the estimate of tenant-paid utilities and fees determined in Step 8 from the maximum monthly housing payment in Step 7, which will result in the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

Principal Residence.

Workforce Housing Units shall be occupied only by the selected Workforce Household. Subleasing shall be prohibited.

Requirement To Maintain Condition.

All owners and tenants of the Workforce Housing Units are required to maintain their unit. The owners and tenants shall not destroy damage or impair the units, allow the units to deteriorate, or commit waste on the units. When the Workforce Housing Units str offered again for rental, the Administrator shall cause the units to be inspected.

Standard Lease Provision.

Each lease for a Workforce Housing Unit will contain substantially the following provision:

"This apartment is being rented as a "workforce housing unit" as defined in Norwalk Code Section 118-1050. This development has been approved by the Planning & Zoning Commission of the City of Norwalk based in part on the condition that a defined percentage of units will be rented as workforce housing units. The Property Manager is required by law to strictly enforce the Norwalk Zoning Regulations set out in Chapter 118, Section 118-1050 concerning workforce housing."

Change in Income or Qualifying Status.

If a Workforce Household's income changes to exceed the qualifying maximum, or if the Workforce Household otherwise becomes disqualified, such tenant must provide notice to the Administrator within seven (7) days of the disqualification. Upon being disqualified, such tenant, following the procedures set forth below, shall have the option to vacate the unit within ninety (90) days, or to remain in the unit paying a market rate rent. Within fifteen (15) days of receiving notice of a Workforce Household's disqualification, the Administrator shall provide written notice to the tenant of the market rate rent for the unit. The tenant shall notify the Administrator within fifteen (15) days of receipt of such notice whether the tenant will accept the market rate rent or vacate. If the tenant elects to remain in the unit at the market rate, the Administrator shall offer the next available unit of the equivalent number of bedrooms as a Workforce Housing Unit, if necessary, in order for the development to comply with the minimum set aside for Workforce Housing Units. These procedures must be followed in order to ensure that the Project shall not be out of compliance with the ten percent (10%) minimum designated units.

Enforcement.

A violation of this Affordability Plan shall not result in a forfeiture of title, but the Norwalk Planning & Zoning Commission, or its designated agent, shall otherwise retain all enforcement powers granted by the General Statutes, including Section 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of Workforce Housing Units with the Regulations.

Binding Effect.

This Plan shall be binding on RMS, its successors, heirs and assigns as long as the Property continues to be used as a mixed-use development with 204 residential units.

APPENDIX A

(Unit list to be provided prior to commencement of marketing)

[TO BE PROVIDED]

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APPENDIX B
DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and includes, but is not limited to, the following:

a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;

b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;

c. Interest, dividends, and other net income of any kind from real or personal property;

d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;

e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;

f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:

(1) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus

(2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;

g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);

h. All regular pay, special pay and allowances of a member of the armed forces;

i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.

2. Excluded from the definition of family annual income are the following:
 - a. Income from employment of children under the age of 18;
 - b. Payments received for the care of foster children;
 - c. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;
 - d. Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;
 - e. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;
 - f. Amounts received under training programs funded by HUD;
 - g. Food stamps; and
 - h. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).
3. Net family assets for purposes of imputing annual income include the following:
 - a. Cash held in savings and checking accounts, safety deposit boxes, etc.;
 - b. The current market value of a trust for which any household member has an interest;
 - c. The current market value, less any outstanding loan balances of any rental property or other capital investment;
 - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;
 - e. The current value of any individual retirement, 401K or Keogh account;
 - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;
 - g. Any lump-sum receipts not otherwise included in income (i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);

h. The current market value of any personal property held for investment (i.e., gems, jewelry, coin collections); and

i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.

4. Net family assets do not include the following:

a. Necessary personal property (clothing, furniture, cars, etc.);

b. Vehicles equipped for handicapped individuals;

c. Life insurance policies;

d. Assets which are part of an active business, not including rental properties;
and

e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

**APPENDIX C
REQUIRED DOCUMENTATION OF INCOME**

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income. Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

- a. An employment verification form completed by the employer.
- b. Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- c. W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- d. Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

- a. Benefit verification form completed by agency providing the benefits.
- b. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- c. If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.
 - a. Verification form completed by the unemployment compensation agency.
 - b. Records from unemployment office stating payment dates and amounts.
4. Government Assistance.
 - a. All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.
 - b. Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.
5. Alimony or Child Support Payments.
 - a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
 - b. A letter from the person paying the support.
 - c. Copy of latest check. The date, amount, and number of the check must be documented.
 - d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.
6. Net Income from a Business. The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.
 - a. IRS Tax Return, Form 1040, including any:
 - (1) Schedule C (Small Business)
 - (2) Schedule E (Rental Property Income)

(3) Schedule F (Farm Income)

b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

c. Audited or unaudited financial statement(s) of the business.

d. A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.

e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

b. Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

a. Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.

b. Copies of latest benefit checks if benefits are paid directly to student. Copies of canceled checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.

c. Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held. For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

a. Verification forms, letters, or documents from a financial institution, broker, etc.

b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

c. Quotes from a stockbroker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.

d. Real estate tax statements if tax authority uses approximate market value.

e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

f. Appraisals of personal property held as an investment.

g. Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

a. Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.

b. If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:

- (1) A list of all assets disposed of for less than FMV;
- (2) The date Applicant disposed of the assets;
- (3) The amount the Applicant received; and
- (4) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.

c. If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Affordable Housing Manager must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant. The following, adjusted for changes expected during the next twelve (12) months, may be used:

- a. IRS Form 1040 with Schedule E (Rental Income).
- b. Copies of latest rent checks, leases, or utility bills.
- c. Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).
- d. Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- a. Written verification from the registrar's office or appropriate school official.
- b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

**APPENDIX D
DEED RESTRICTION**

The following document shall be executed and recorded in the office of the Town Clerk of the City of Norwalk in accordance with Conn. Agencies Regs. §8-30g-9 (a)(1) and the Norwalk Code §118-1050E(3)(b):

DECLARATION OF RESTRICTIONS

DECLARATION MADE this _____ day of _____, 202__ by RMS 394 West Avenue, LLC, a liability company with an office located at One Landmark Square, F2, Stamford, CT (the “**Declarant**”).

RECITALS:

A. Declarant is the owner of a certain property known as 370 & 394 West Avenue and 2 Maple Street in Norwalk, Connecticut and more particularly described in Schedule A attached hereto (the “**Property**”).

B. Declarant obtained approval from the Norwalk Planning & Zoning Commission (the “**Commission**” and the “**Approval**”), which Approval permits, *inter alia*, the construction, use and occupancy of a total of 204 residential units in a mixed-use building on the Property.

C. Pursuant to the Approvals and to Norwalk Code §118-1050, 20 units (four (4) studio, ten (10) one-bedroom and six (6) two-bedroom) are to be designated as “workforce housing units” as said term is defined in the Norwalk Code in effect on _____, 2023. The workforce units will be located on site and dispersed throughout the building on the Property.

D. Declarant executes this Declaration of Restrictions and a Workforce Housing Affordability Plan with the intent to satisfy Condition of the Approval and Norwalk Code §118-1050E(3)(b).

NOW, THEREFORE, in consideration of \$1.00, the aforementioned Approval and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Declarant, Declarant hereby declares as follows:

1. This development contains 20 “workforce housing units” (four (4) studio, ten (10) one-bedroom, six (6) two-bedroom units) as that term is defined in City of Norwalk Code §118-1050 in effect on and is therefore subject to limitations on the maximum annual income of the household that may rent the designated workforce housing units, and on the maximum rental that may be charged for such workforce housing units. These limitations shall be strictly enforced and may be enforced by the zoning enforcement authority of the City of Norwalk against the

record owner of the development, or the person identified in the affordability plan as responsible for the administration of these limitations.

For the duration of this covenant or restriction, no less than ten (10%) percent of the dwelling units in this development, and no less than 20 units shall be rented to persons and families whose annual income is less than or equal to eighty (80%) percent of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and such unit may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amounted stated in §8-30g-8(d) of the Regulations of Connecticut State Agencies.

2. A violation of this Declaration of Restrictions or of the Workforce Housing Affordability Plan shall not result in a forfeiture of title, but the Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including §8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the workforce housing units and to examine the books and records of the Administrator to determine compliance of the workforce housing unit with the applicable affordable housing statutes and regulations.

3. A copy of the Workforce Housing Affordability Plan of this development is on file and available for inspection in the office of the Planning and Zoning Department of the City of Norwalk, 125 East Avenue, Norwalk, Connecticut.

4. This Declaration of Restrictions is perpetual for the life of the residential development on the Property and shall run with the land and be binding upon Declarant and its successors and assigns.

5. This Declaration of Restrictions shall not be modified or terminated without the express written permission of the Norwalk Planning & Zoning Commission, which shall be set out in an amendment to this Declaration, signed by authorized representatives of the parties hereto and filed on the Land Records, all in the same manner as is this document.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Declarant has set its hand and seal as of the date first above written.

RMS 394 West Avenue, LLC

By: _____

Its _____, duly authorized

STATE OF CONNECTICUT:

:

ss: Norwalk _____, 202

COUNTY OF FAIRFIELD :

Personally appeared, RMS 394 West Avenue, LLC, a Connecticut limited liability company, acting herein by _____, its _____, duly authorized, signer and sealer of the foregoing instrument, who acknowledged the same to be his and its free act and deed and the free act and deed of RMS 394 West Avenue, LLC, before me.

Commissioner of the Superior Court
Notary Public

My Commission expires:

EXHBIT A
LOCATION OF WORKFORCE HOUSING UNIT

DRAFT



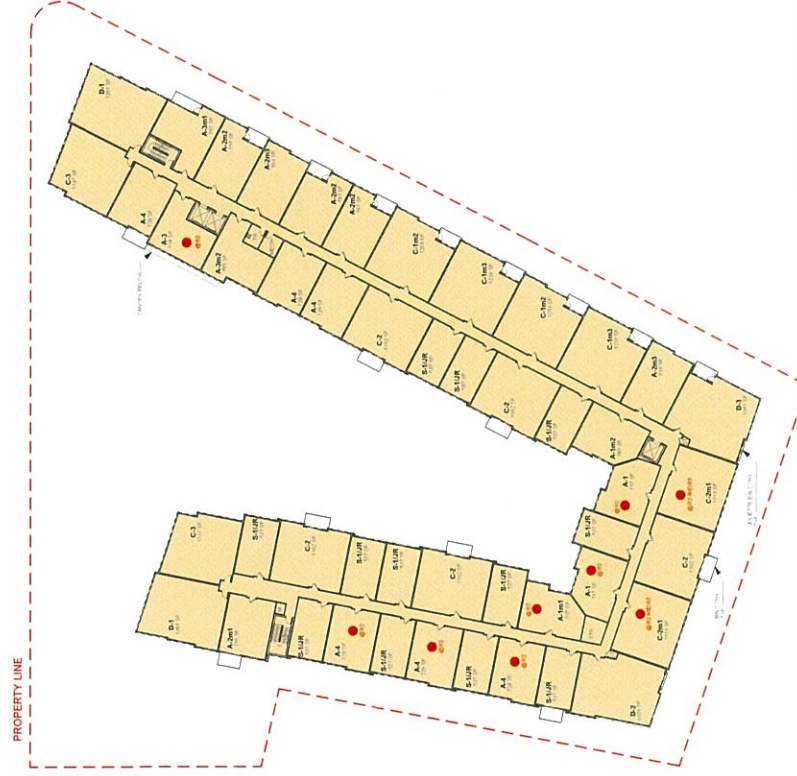
RESIDENTIAL FLOOR PLAN (R1)

RESIDENTIAL AREA 45,494 GSF

*NOTE: REFER TO CIVIL FOR SITE PLAN AND CIVIL INFORMATION.
LANDSCAPE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
REFER TO LANDSCAPE FOR TREES AND LANDSCAPE INFORMATION.



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TYPICAL FLOOR PLAN (R2-R3)

RESIDENTIAL AREA 45,494 GSF

LEGEND
● WORKFORCE HOUSING UNIT LOCATIONS



MAY 31, 2023
PROJECT NO. 2023-001

370 WEST AVENUE
NORWALK, CT

A-03



394 WEST AVENUE, LLC

FLOOR PLANS

SITE PLAN SUBMISSION

CONCEPTUAL LANDSCAPE DESIGN. CONCEPTUAL SITE PLAN AND CIVIL INFORMATION. LANDSCAPE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO LANDSCAPE FOR TREES AND LANDSCAPE INFORMATION.

SCHEDULE A
PROPERTY DESCRIPTION

DRAFT

Schedule A

Describing that parcel of land known as 370 West Avenue. Beginning at the south eastern property corner along the western side of West Avenue:

Thence North 66 degrees 47 minutes 26 seconds West at a distance of 199.89 feet to a point;

Thence North 15 degrees 31 minutes 30 seconds East at a distance of 203.21 feet to a point;

Thence North 72 degrees 20 minutes 20 seconds West at a distance of 39.84 feet to a point;

Thence North 4 degrees 34 minutes 40 seconds East at a distance of 114.51 feet to a point;

Thence South 85 degrees 22 minutes 50 seconds East at a distance of 366.06 feet to a point;

Thence a 30.74 feet curve with a radius of 15.00 feet with a Chord bearing
South 26 degrees 40 minutes 25 seconds East at a distance of 25.64 feet to a point;

Thence South 32 degrees 02 minutes 00 seconds West at a distance of 79.53 feet to a point;

Thence South 31 degrees 59 minutes 10 seconds West at a distance of 172.86 feet to a point;

Thence South 32 degrees 09 minutes 30 seconds West at a distance of 158.72 feet to the point of beginning;

Encompassing an area of 102,059+/- square feet (2.34+/- acres)